

R E M A R K S

ON THE

PROPOSED LAWS

F O R

**ESTABLISHING A MILITIA
IN SCOTLAND.**

By A COUNTRY GENTLEMAN.

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R E M A R K S
ON THE
PROPOSED LAWS
FOR
ESTABLISHING A MILITIA
IN SCOTLAND.

THE necessity of forming some establishment for the internal defence of this part of the united kingdom, seems to be universally acknowledged. How this great end can best be accomplished, is, therefore, at present, a most interesting question. Two plans have been submitted to the public. The one which was offered to Parliament last session, nearly on the
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model of the English militia; the other framed by a committee of noblemen and gentlemen who met at Edinburgh, for the purpose of taking into consideration this great national object. The zeal and public spirit of those who have brought forward each of these plans, deserve the highest commendation; and have met with the deserved applause from those counties which have given their sentiments of this matter. Committees have also been appointed to meet at Edinburgh, for examining more minutely these plans, and concerting such a plan of defence as is suitable to the present situation of this country.

Having been appointed one of the committee by the county in which I reside, it became my duty to consider this subject with the utmost attention; and the following remarks are the result of my reflections.

I shall begin with the sketch of a bill framed at Edinburgh, which appears to me very defective in many respects. Nor do I consider it as its least defect, that it cannot be looked upon in any other light than merely as a speculation,

speculation, many of which might be formed no less plausible perhaps than this. It is said, indeed, to be nearly similar to the establishments in Switzerland. Of this, I do not pretend to judge, not being sufficiently acquainted with the constitution of these states. But whatever may be in this, it does by no means follow, that it could be adopted with success, in a country, so different from that, in its situation, constitution, and extent.

But, besides this general objection, this bill appears to me defective, in neither forming the men sufficiently to discipline, nor securing their being serviceable to the state when they are formed, so far as the plan admits.

There are pedants in all professions; and to assert, as a great commander is said to have done, that a soldier cannot be properly formed in less than seven years, was certainly a piece of military pedantry. That soldiers may be formed in a much shorter time, fit to act with equal spirit and steadiness, we have seen many striking examples. But surely, the error is not less on the other hand to maintain, as is done in

the observations printed with this bill, that a man who can shoot, is already a soldier. The use of the weapons is the smallest part of discipline; nay, properly speaking, it is no part of it at all: For a body of men may be individually expert in the use of their weapons, and yet totally void of discipline.

Military discipline, if I may be allowed to speak upon a subject, of which I am confessedly ignorant, consists, I apprehend, in three points; the use of the weapons in concert; the marching in large bodies, and forming in different positions without disorder; and the habit of ready and implicit obedience to those in command. The last of these cannot, I believe, be attained in any perfection by any system that would not detach men from the habits of civil life, more than is consistent with the idea of a militia; and to this circumstance it is owing, that they have, in all ages, been unable to contend with regular troops. The times of exercise appointed by this bill for the fencible men, appear to be fully sufficient for teaching them the use
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of their weapons in concert : But with regard to the other point, I should think they would make little proficiency in it, unless they were kept together in large bodies, longer than seems to be intended. For, if twenty-five thousand men are to be kept together for a month, according to the English plan, the expence would be nearly as great as that of the whole English militia in time of peace : And in a shorter time, little improvement in discipline could be expected. It should also be observed, that one of the periods at which the exercising corps are directed to assemble in each county, I mean Christmas, is exceedingly unfit for that purpose, from the shortness of the days, the uncertainty of the weather, and the coldness of the season.—The short time that the men are to continue in the exercising corps, is a still greater objection ; for the whole body is to be changed yearly : Now, this seems to be totally incompatible with their ever making any proficiency in discipline. Where a body of men have been brought some length, a considerable number mixed with them, will soon assimilate

assimilate themselves to the rest : But to form to discipline, a body, consisting entirely of raw men, by means of officers, who cannot be supposed very expert, seems to be utterly impracticable.

For these reasons, it seems obvious, that the men chosen by ballot, each year, would leave the exercising corps without being farther advanced in discipline, than when they entered into it. But, even supposing that I am wrong in my opinion, or that such alterations and amendments could be made in the plan, as would bring the men into as complete discipline as can be expected from a militia ; yet I do not see what advantage the nation would reap from such an institution : For it is not proposed, that the fencible men, when trained, should be under the smallest controul, either of the executive or legislative power : And it depends entirely on themselves, whether or not they are to give any assistance to the state, even in the most pressing emergency. Nay, even the majority of a corps have no power to determine for the whole ; but each individual is at
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full liberty to bear a share in the defence of his country, or to leave it a prey to an invader, according to the dictates of his own cowardice, or other selfish passions. And if, from these motives, or perhaps from corruption, a few should refuse to march, it can scarcely be conceived, with what reluctance, the rest of the corps would enter upon a service, from which they saw their neighbours exempted. So that, if this establishment were to take place, this part of the kingdom would be in a much worse condition, than it is at present: For government would naturally rely on it, in some degree at least, for the defence of the country; and it is not unlikely, that, when proposals came to be made to the different corps to march from home, there might be, instead of an efficient body of men, either none at all, or men without officers, or officers without men. Or, if they should at last be prevailed upon to march, it is highly probable, that the time which should have been employed in repelling an enemy, would be spent in making proposals, and cavilling about the nature
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and extent of the service required. It must indeed be acknowledged, that, in case of actual rebellion or invasion, there is no great likelihood that these things would happen; for there are moments of exigency, that leave no room for hesitation; and in these, men would crowd in from every quarter, if the spirit of the nation was once roused. But great danger, especially if unforeseen, has often the effect of producing panic and despondency: And whether it shall do this, or have the contrary effect of making men bestir themselves to oppose it, depends upon circumstances, which cannot be regulated by the wisdom of any government. Men may indeed, by proper measures, be recovered from a sudden panic: But these take time to operate; and before the confidence of the people returns, the mischief may be irremediable. The great defect of our constitution is, that in sudden emergencies, the strength of the state cannot be effectually exerted; and the proposed bill would increase this defect. It would seem better policy therefore, to strengthen the hands of our governors,

nors, who are answerable to the nation, for the use they make of the powers with which they are intrusted. Besides, men in general are not easily persuaded to stand forth in the public service, and they are wonderfully blind to consequences ever so little remote. These dispositions would render it totally impracticable to take any preventive measures with bodies of men, such as would be constituted by this bill: And to have the men to assemble who are to defend the country, after the enemy is already landed, is surely a preposterous method of defence. It is also particularly unsuitable to the nature of this country, where we have no reason to apprehend any invasion for the purpose of conquest, and where our only object in forming an establishment of this kind, must be to protect our coasts from the insults of small bodies, which can only be effected, by having troops collected and properly stationed along them.

The idea of establishing a militia, who, after they are formed, are under no obligation to act in defence of the state, is altogether new to me, and

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seems,

seems, in the highest degree, repugnant to the principles of the constitution. Through every period of our history, the whole military force in the kingdom has been under the direction of the Sovereign, who is entrusted with the whole executive power; and to array so large a body of men totally independent of his authority, is such an encroachment on the prerogative, as has not been attempted since the days of the Long Parliament. For, of what consequence is it that the officers have their commissions from the Lord Lieutenant, if they are not subject to his Majesty's command? If this be really such an encroachment on the prerogative, as it appears to me, no good subject would wish it to be carried into execution. But even those who think differently on this subject, cannot but allow that it has enough of this appearance to make any minister very unwilling to consent to it. And if the people of this country should join in asking what cannot be granted, they take the most effectual means to prevent themselves from getting what they have a right to

to demand, and what every body seems desirous to obtain.

The English nation have evidently shewn a backwardness to concur in establishing a militia for Scotland. Although we have good reason to be displeased at this, yet it is far from being humiliating to us to think that with 25,000 militia of theirs, they should be afraid of trusting us with arms for 6000. This jealousy, however, is sincerely to be lamented, as it lessens the force of the nation, when there is urgent occasion for all that we can exert. But if we are in earnest in wishing for a militia, we must take care not to inflame that jealousy, which, however misplaced and impolitic, has hitherto prevented it from being established. How far the proposal of trusting arms in the hands of 25,000 men is calculated to take away the apprehensions that were entertained, when 6000 only were to be armed, it is no difficult matter to determine. The manner, too, in which the fencible men are to be raised being totally different from that established in England, will afford a fresh cause of alarm

to those who entertain unjust prepossessions, and reasonable ground of objection to those who argue more fairly.

The union of the two kingdoms occasioned great heats at the time when it was concluded, being thought by many highly derogatory to the honour and interest of this country. And those who see that Ireland has gained all the advantages which we reaped from the union, without being subjected to any of our burdens, will be apt to grudge that we did not make better terms. It is true, that those advantages which are founded in justice are most permanent, and those who managed that treaty, on the part of Scotland, cannot be blamed for not insisting on what was evidently unfair. The argument, however, is specious; and if to this motive should be joined, the indignity of once more refusing us arms for our own defence, government would have every thing to fear from the spirit of a people which it would perhaps be the more difficult to appease that it was not easily roused.

It is the business of both parts of the kingdom to avoid every step that
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may lead to such fatal consequences ; and this must be done on the part of our southern neighbours, by being ready to communicate to us every right and privilege which they themselves enjoy ; and on our part, by being moderate in our demands, shewing that we wish to render the union as complete as possible. It would, therefore, be highly inexpedient in a point so material as the national defence, to adopt a system totally different from that which is established in the southern part of the island, without the most absolute necessity. And those who complain of being refused a militia as establishing a distinction between the two parts of the united kingdom, equally invidious and impolitic, and at the same time propose to adopt a plan of defence entirely dissimilar in every respect to what takes place in England, surely do not reason consequentially.

The other bill, which has been submitted to the public, proposes to establish in this part of the kingdom, a militia on the same footing with that which has subsisted for above twenty
years

years in England. The knowledge that in that time it has not produced any remarkable inconvenience, is an argument in its favour much stronger than any abstract reasoning can possibly be. It no doubt has its defects; for what human institution is entirely free from them? Such of these as can be remedied, let us endeavour to obviate. But let us not lose the substance in grasping at the shadow; nor depart so far from every maxim of sound policy, as to attempt new and untried plans, instead of endeavouring to bring to perfection those which have the sanction of experience.

Many men have, no doubt, been taken from useful labour to serve in the militia: But if these men would not have left their labour to assist in the defence of their country but for the militia laws, then all these men are an acquisition made to the internal strength of this nation, by means of those laws. They cannot serve the state in two capacities at once, both as labourers and soldiers; and they are compelled to leave one where they were useful, for another where they are necessary.

Without

Without the militia of England, what would be the situation of this country at present? The marching regiments have been exhausted by foreign service; and the recruiting has gone on so slowly, that the establishment of the companies has been reduced in the midst of the war; neither have the new levies kept pace with the exigencies of the state. The only effective force that remains at home, is the militia, which may be always kept full of the best men, and which, now that it has been embodied for some time, is not inferior to any body of the best regular troops. Without this resource, the nation would probably, in this war, as in the last, have been obliged to have recourse to the shameful expedient of hiring foreign mercenaries for her internal defence: And such has been the confidence of the people in the militia, that though we have seen our fleet driven up the Channel, and obliged to take shelter in our ports, yet the threats of an invasion were not able to spread any general alarm.

If, then, this institution has given us confidence and security at home, and
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by putting it in our power to send abroad a greater proportion of our regular troops, has enabled us hitherto to resist the powerful combination formed against us ; and if it has produced no such inconveniencies as deserve to be put in competition with such striking advantages, what more ought we to require, or why should we hesitate a moment whether to accept of this, or run the risk of uncertain experiments ? Not that I would wish this plan to be adopted without examination in every particular : though it is clear, it ought to be the foundation of that which I hope to see established in this part of the united kingdom.

One thing, I believe, has tended greatly to prejudice the minds of some persons against this plan ; and that is, they have viewed the English militia only in the condition in which it stands at present, viz. embodied and marched to places at a great distance from their homes, and having, in every respect, the appearance of regular forces. And they do not consider, that this is a consequence of the critical juncture of our affairs, which obliges

bligés us to make head in every quarter of the globe against a powerful combination of enemies, without one ally to assist us. And fortunate has it been for the country, that, when placed in this situation, we had such a resource in the militia. But it ought to be remembered, that, in times of peace, or even during a war that did not require such extraordinary exertions, the militia would not be carried away from their own homes ; nor would the benefit of their industry be lost to the country.

The framers of the other bill, when speaking of the English militia, in their observations, have all along fallen into the error of supposing it to be constantly embodied ; and in so far, their reasoning, being founded in a fallacy, falls to the ground. Were a law to be proposed for keeping the militia constantly embodied, and reducing an equal number of the standing army, it should have my hearty suffrage ; but this has nothing to do with the present question.

I now proceed to mention some amendments which, I think, might be

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made

made in the present bill. This I do with great diffidence, as I am sensible many things appear plausible in speculation, that are unfit to be carried into practice. The unlimited power of substitution is evidently an error in the present law, and deprives the country of one of the principal advantages of a militia, that of training a great proportion of the inhabitants to the use of arms by means of a rotation. It is more difficult to point out a proper remedy for this, than to observe the defect. For it would be an intolerable grievance to a person of condition, to any man who has had the education of a gentleman, to serve in the ranks, and to become the companion of the common soldiers; yet this would be the case if no substitutes were admitted. This objection might, in some degree, be removed, if those who are qualified to serve as officers were exempted from the ballot, and made liable to a separate ballot: provided it were enacted, that such persons in each battalion as chose to serve without pay, and to find their own clothes, should be formed into a
 separate

separate company, called the Cadet Company.

I apprehend also, that some encouragement should be held out to such as might voluntarily offer to serve; as, for instance, the privilege granted to soldiers of setting up trades in towns without being subjected to corporation laws, with somewhat of this sort; and a gratuity that would be collected among those who did not chuse to stand the ballot. I have little doubt that two thousand men might be raised annually in Scotland, without having recourse to ballot.

The only other alteration that I would suggest is, that, instead of raising the men by counties, the whole of Scotland should be divided into as many districts or lieutenancies as the number of men to be raised would form battalions; which, if there were 6000 men raised, might be twelve, amounting from 400 to 600 men, according to the size of the lieutenancy. These might be as follows;

Edinburgh and Linlithgow.

Haddington, Berwick, Roxburgh,
Peebles, and Selkirk.

Dumfries,

Dumfries, Kirkcudbright, Wigton,
and Ayr.

Lanark, Renfrew, and Stirling.

Bute, Argyle, and Dumbarton.

Perth.

Fife, Kinross, and Clackmannan.

Forfar, and Kincardine.

Aberdeen.

Banff, Elgin, and Nairn.

Inverness, Ross, and Cromarty.

Sutherland, Caithness, and Orkney.

This distribution is only meant to explain my idea. Gentlemen interested in the different counties, and particularly acquainted with their local situation, are the only persons who could perfect it.

Other alterations might probably be made with advantage, which have not occurred to me: and those which I have ventured to suggest may not, perhaps, bear discussion. I have not given my thoughts to the public from a confidence in my own abilities, but from an earnest desire to forward a measure which seems to me essential to the public service.

Disappointed

Disappointed in the expectation which I entertained, that some person better qualified for the task would have undertaken to state the grounds on which we ought to proceed, I have had little time for revifal; but I trust that the motives for publishing, and the principles maintained in these remarks, will be thought a fufficient apology for any inaccuracy that may be found in them.

F I N I S.

It is pointed in the exposition
which I mentioned that some persons
have undertaken to state the grounds
on which we ought to proceed; I have
had little time to do so; but I think
that the motives are sufficient, and
the principles mentioned, which are
more, will be thought a sufficient
 apology for any measure that may
be taken in them.